

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

UNITED STATES OF AMERICA)
Plaintiff,)
)
v.) CASE NO. DNCW 3:02CR21
) (Financial Litigation Unit)
JAMES R. BURTON,)
Defendant,)
and)
)
US ENERGY LLC ,)
)
Garnishee.)

ORDER OF GARNISHMENT

THIS MATTER is before the Court on the answer of US Energy, LLC as the Garnishee. On June 17, 2003, the Honorable Graham C. Mullen sentenced the Defendant to 60 months imprisonment for his conviction of conspiracy to commit Mail Fraud and Aiding and Abetting, Money Laundering and Aiding and Abetting and Securities Fraud and Aiding and Abetting in violation of 18 U.S.C. §1341 and §2, 18 U.S.C. §1956(1)(1)(A)(I) and §2 and 15 U.S.C. §77q, respectively. Judgment in a Criminal Case, filed July 1, 2003. As part of that Judgment, the Defendant was ordered to pay an assessment of \$500.00 and restitution of \$3,204,078.98 to the victims of the crime. *Id.*

The Government now seeks to garnish the Defendant's earnings from the garnishee. The Answer of the Garnishee provides that Garnishee anticipates additional earnings in the form of new wages (gross pay minus total tax withholdings) in the amount of \$380.55 bi-weekly.

The United States requests that 20% of the Defendant's earnings which remain after all deductions required by law have been withheld and 100% of all 1099 payments be applied to the

United States' garnishment, and that the Government's garnishment take immediate effect. *See* 28 U.S.C. § 3205(c)(10).

IT IS THEREFORE ORDERED that an Order of Garnishment is hereby **ENTERED** in the amount of \$2,734,067.24 computed through November 30, 2009, which attaches to any earnings of the Defendant and up to 20% shall be garnished in favor of the United States until the Defendant's restitution debt is paid in full.

Signed: December 8, 2009



Graham C. Mullen
United States District Judge

